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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,052	10/23/2003	Yi-Chung Chan	JCLA9844	1566

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J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

EXAMINER

BIBBINS, LATANYA

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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11/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/693,052

Applicant(s)

CHAN, YI-CHUNG

Examiner

LaTanya Bibbins

Art Unit

2627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed October 9, 2007, with respect to claims 7-10 have been fully considered but they are not persuasive.

Applicant argues that reference values Vref1 and Vref2 are voltage reference signals rather than frequency reference signals. However, as indicated in the previous office action, Yoshida discloses the use of comparator circuits (Figure 2 elements 93 and 94) to detect the frequency of the wobble signal by using reference or threshold values Vref1 and Vref2 (Col. 4, Lines 38-60) and depending on the output of the comparators the type of optical storage medium is determined (Col. 4, Line 61 - Col. 5 Line 18). Prior to the comparator circuits, the amplitude level of the frequency signal is attenuated by a BPF having a predetermined center frequency, thus the output of the comparator is based on the frequency of the wobble signal (Col. 4 Lines 51-60).

In addition, a threshold is defined as a value above which something is true or will take place and below which it is not or will not. As Yoshida discusses Vref1 and Vref2 are set to specific values and high level or low level signals, indicative of the type of optical storage medium, are output from the comparators if the input, which is based on the frequency of the wobble, is above or below the Vref1 and Vref2 values (see column 4 lines 38- column 5 line 18).

Further, Yoshida discusses that the disc discrimination is accomplished "based on the frequency" (column 3 line 11) and that Vref2 is used to "confirm the frequency of the detected wobble signal" (column 4 line 61).

Applicant additionally argues that the "clock frequency" of claim 7 refers to the PLL clock frequency. However, it is noted that the feature upon which applicant relies (i.e., the PLL clock frequency) is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments filed October 9, 2007, with respect to claims 11-18 have been fully considered but they are not persuasive.

Applicant argues that the reference discriminates based on the thickness of the base substrate (i.e. thick base substrate vs. thin base substrate) based on the ratio of ENVmax to AS1Lmax, contrary to claim 11, which obtains the distance between a reflection layer and a surface layer of a disc.

However, Yamada does in fact disclose discriminating between a DVD having a thin base substrate of 0.6mm and CD having a thick base substrate of 1.2mm. As illustrated in Figure 26 the thickness of the base substrate is the distance from the surface to the reflecting film. While Applicant argues that Yamada obtains this distance based on the ratio of ENVmax to AS1Lmax, the method of obtaining the distance is not claimed.

Applicant additionally argues that claim 11 has similar limitations with claim 7 and neither Yamada or Yoshida disclose obtaining a clock frequency for reading the disk and comparing the clock frequency with frequency threshold to discriminate the disk type. In response to Applicant's arguments regarding claims 11-18, see the response to Applicant's arguments regarding claims 7-10 above, where similar features are claimed.

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